

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

STACY HADDEN,

Plaintiff,

v.

NANCY A. BERRYHILL,  
Commissioner of Social Security,

Defendant.

Case No. 2:17-cv-02817-MMD-GWF

**REPORT AND RECOMMENDATION**

This matter is before the Court on Plaintiff's failure to comply with the Court's Orders.  
ECF Nos. 16, 18.

On November 21, 2017, the Court granted Plaintiff's Application for Leave to Proceed *In Forma Pauperis* and dismissed her Complaint with leave to amend to correct noted deficiencies. *See* ECF No. 3. The Court screened Plaintiff's Second Amended Complaint (ECF No. 7) and instructed the Clerk of the Court to file her Complaint. *See* ECF No. 9. Defendant filed her Answer and notice of manual filing of the administrative record. On December 28, 2018, the Court issued its Order concerning review of social security cases instructing Plaintiff to file her motion for remand no later than January 27, 2019. Plaintiff failed to file a motion for remand or any motion requesting relief.


On June 24, 2019, the Court entered an Order to Show Cause (ECF No. 18) directing Plaintiff to show cause, in writing, no later than July 3, 2019 why this matter should not be dismissed for failure to comply with the Court's order. The Court warned that failure to timely

1 respond to the Order to Show Cause shall result in a recommendation to the district judge that  
2 this case be dismissed. On July 1, 2019, the Clerk of the Court noted that the Order to Show  
3 Cause that was mailed to Plaintiff was returned as undeliverable. *See* ECF No. 19. Local Rule  
4 IA 3-1 provides that a pro se party must immediately file with the Court written notification of  
5 any change of mailing address and that failure to comply with this rule may result in dismissal of  
6 the action. To date, Plaintiff has not failed a motion to remand, requested an extension, or taken  
7 any other action to prosecute this case. Accordingly,

8 **IT IS HEREBY RECOMMENDED** that Plaintiff's Second Amended Complaint (ECF  
9 No. 7) be DISMISSED.

10 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close  
11 the case and enter judgment accordingly.

12 Dated this 5th day of July, 2019.

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15 GEORGE FOLEY, JR.  
16 UNITED STATES MAGISTRATE JUDGE

17 **NOTICE**

18 This Report of Findings and Recommendation is submitted to the assigned district judge  
19 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for  
20 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the  
21 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local  
22 Rules of Practice, any party wishing to object to a magistrate judge's findings and  
23 recommendations of shall file and serve *specific written objections*, together with points and  
24 authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C.  
25 § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate  
26 Judge's Report of Findings and Recommendation," and it is subject to the page limitations found  
27  
28

1 in LR 7-3(b). The parties are advised that failure to file objections within the specified time may  
2 result in the district court's acceptance of this Report of Findings and Recommendation without  
3 further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition,  
4 failure to file timely objections to any factual determinations by a magistrate judge may be  
5 considered a waiver of a party's right to appellate review of the findings of fact in an order or  
6 judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th  
7 Cir. 1991); Fed. R. Civ. Pro. 72.